



POLICE DEPARTMENT

-----X  
In the Matter of the Disciplinary Proceedings :

- against - :

FINAL

Detective Samuel Lallave :

ORDER

Tax Registry No. 894731 :

OF

Bronx Court Section :

DISMISSAL  
-----X

Detective Samuel Lallave, Tax Registry No. 894731, Social Security No. ending in [REDACTED], having been served with written notice, has been tried on written Charges and Specifications numbered 2020-22738, set forth on form P.D. 468-121, dated October 1, 2020, and after a review of the entire record, Respondent is found Guilty.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Detective Samuel Lallave from the Police Service of the City of New York.

  
DERMOT F. SHEA  
POLICE COMMISSIONER

EFFECTIVE:

10/26/20

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POLICE DEPARTMENT

October 19, 2020

-----X

|   |   |            |
|---|---|------------|
| In the Matter of the Charges and Specifications | : | Case No.   |
| - against -                                     | : |            |
| Detective Samuel Lallave                        | : | 2020-22738 |
| Tax Registry No. 894731                         | : |            |
| Bronx Court Section                             | : |            |

-----X

At: Police Headquarters  
One Police Plaza  
New York, NY 10038

Before: Honorable Jeff S. Adler  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Lauren Silverstein, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: Tried *in absentia*

To:  
HONORABLE DERMOT F. SHEA  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

1. Said Detective Samuel Lallave, while assigned to the Bronx Court Section, on or about September 30, 2020 and October 2, 2020, failed to comply with a lawful order to appear at an official Department interview being held pursuant to Patrol Guide Procedure 206-13 on two (2) occasions.

P.G. 203-03, Page 1, Paragraph 2

COMPLIANCE WITH ORDERS

## REPORT AND RECOMMENDATION

The above-referenced matter was set down for trial on October 15, 2020. Respondent and his attorney, John Arlia, Esq., chose not to appear for the trial, and an inquest hearing was held in their absence. The Department called Lieutenant Giovanni Mattera as a witness. A stenographic transcript of the hearing has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find Respondent Guilty as charged and recommend that he be dismissed from the Department.

## ANALYSIS

This matter stems from Respondent's refusal to comply with lawful orders to appear and answer questions at official Department interviews that had been scheduled for September 30 and October 2, 2020.

### *A. Procedural History*

As discussed more fully below, an official Department interview of Respondent was scheduled for September 30, 2020. The Department sought to question Respondent in connection with an integrity test that he allegedly failed by taking money during the execution of a search warrant. On October 2, 2020, Respondent, who has over 32 years of service with the

Department, submitted an application for service retirement; his effective date of retirement is scheduled for October 31, 2020.

On October 6, 2020, Respondent appeared before this Court for a video conference in this matter. He was represented by his attorney, John Arlia. The Department Advocate's Office requested an expedited trial on the charge that Respondent failed to comply with lawful orders to appear for an official Department interview on two occasions, September 30, 2020 and October 2, 2020. Respondent and counsel were present when the court adjourned the case for trial to October 15, 2020; Respondent was informed by the court that if he failed to appear, the trial would proceed in his absence. Both Respondent and Mr. Arlia stated that they would not be participating in the trial.

On October 15, 2020, neither Respondent nor Mr. Arlia appeared for trial.

Since Respondent was directly informed by the Court, in the presence of his counsel, that the trial was to commence on October 15, 2020, I find that he had ample notice of the date of this proceeding. Based on the foregoing, the court proceeded in Respondent's absence, and conducted an inquest hearing on October 15, 2020. (38 R.C.N.Y. 15-03 (b) (2), 15-04 (d))

*B. Analysis*

Lieutenant Giovanni Mattera of IAB testified that on September 28, 2020, he scheduled an official Department interview for Respondent, in order to question him regarding allegations that he had failed an integrity test by taking money during the execution of a search warrant. Specifically, Lieutenant Mattera sent an e-mail to Lieutenant Gary Bettello, the ICO of the Bronx Court Section, where Respondent was assigned. Lieutenant Mattera asked Lieutenant Bettello to notify Respondent that he needed to appear for his Patrol Guide hearing on September 30, 2020,

at 1100 hours, at 315 Hudson Street. Later that same day, Lieutenant Bettello sent an e-mail reply to Lieutenant Mattera confirming that Respondent had, in fact, been notified. (Tr. 16-20)

On September 30, 2020, Lieutenant Mattera received a phone call from Sergeant Campbell, who was the investigating officer scheduled to interview Respondent at the official Department interview that morning. Sergeant Campbell stated that Respondent did not appear for the interview. (Tr. 21)

Lieutenant Mattera testified that after receiving this information, he went to Respondent's residence and spoke with Respondent that same day. The lieutenant asked Respondent why he had not appeared that morning, and Respondent claimed he did not know about it, which seemed odd to the lieutenant since he had confirmed the time of the interview with Respondent's attorney, John Arlia, the day before. Lieutenant Mattera ordered Respondent to immediately accompany him in order to conduct the interview that day, but Respondent called his attorney, Mr. Arlia. The lieutenant then got on the phone with Mr. Arlia, who initially stated that Respondent would go with the lieutenant to the interview but would not answer any questions. Mr. Arlia asked the lieutenant what would happen if Respondent did not appear for the interview, and Lieutenant Mattera told him that Respondent would be suspended. Mr. Arlia then informed the lieutenant that Respondent would not be appearing for the interview, and the lieutenant should go ahead and suspend him. Lieutenant Mattera repeated the order to Respondent, who acknowledged the order and confirmed that on the advice of counsel he would not appear; Respondent was promptly suspended. (Tr. 22-24)

Before leaving, Lieutenant Mattera also ordered Respondent to appear for an official Department interview on October 2, 2020 at 1100 hours at 315 Hudson Street. Respondent acknowledged that he understood the order. (Tr. 24-25)

According to Lieutenant Mattera, on October 6, 2020 he was informed by Lieutenant Ovando of IAB, who had been present for the scheduled Patrol Guide hearing on October 2, that Respondent had not appeared for that interview. (Tr. 26-29)

Specification 1 charges Respondent with failing to comply with a lawful order to appear at an official Department interview on September 30 and October 2, 2020. Patrol Guide Section 203-03 (2) states that a member of the service is required to "obey lawful orders and instructions of supervising officers." Patrol Guide Section 206-13 (12) states that a member of the service is required to "answer questions specifically directed and narrowly related to official duties."

Here, the credible evidence has established that Respondent twice failed to appear to answer questions, refusing to comply with direct orders to do so. I credit Lieutenant Mattera's straight-forward testimony about the sequence of events: he initially had Lieutenant Bettello notify Respondent to appear for an interview on September 30. When he received word that Respondent had not appeared, Lieutenant Mattera spoke with Respondent in-person at his residence. During that conversation, Lieutenant Mattera ordered Respondent to come with him so that they could conduct the interview that same day. After consulting with his attorney, Respondent chose not to appear for the interview, thereby failing to comply with a lawful order. Before leaving, Lieutenant Mattera issued a second order, directing Respondent to appear for an official Department interview on October 2. Respondent acknowledged the order, but failed to appear for that October 2 interview, despite receiving a lawful order to do so.

The orders given to Respondent were lawful, clear and unambiguous, and Respondent acknowledged that he understood them. Nevertheless, Respondent failed to comply with those orders. Accordingly, I find Respondent Guilty.

## PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. *See Matter of Pell v. Board of Educ.*, 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on July 11, 1988. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found guilty of failing to appear for his official Department interview on two separate dates, disregarding lawful orders to do so. The Department was investigating serious allegations that Respondent had failed an integrity test by taking money during the execution of a search warrant. Respondent was notified by Lieutenant Bettello to appear for a Department interview on September 30, but he did not appear. That same day, Lieutenant Mattera, in-person, ordered Respondent to accompany him for the interview, but Respondent refused to do so. Lieutenant Matera also set another interview date for Respondent, October 2, but Respondent failed to appear for that Department interview as well.

This tribunal has consistently held that failure to comply with an order to cooperate at an official Department interview is grounds for termination. *See Disciplinary Case No. 2020-22443* (Aug. 20, 2020) (Twenty-two year police officer dismissed from the Department after being found guilty of refusing to comply with an order to submit to an official Department interview); *Disciplinary Case No. 2020-21869* (Mar. 24, 2020) (Twenty-three year detective dismissed from the Department for refusing a lawful order to answer questions at an official Department interview); *Disciplinary Case No. 2016-15216* (Feb. 10, 2016) (Twenty-four-year lieutenant with prior discipline dismissed from the Department for failing to comply with orders on two separate dates to appear for official Department interviews).

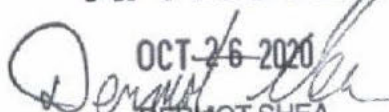
Here, Respondent's misconduct was similarly egregious, and separation from the Department is warranted. Respondent's conscious decision to refuse lawful orders to appear to answer questions undermined the legitimate investigation into his conduct, rendering his continued employment with the Department untenable. Taking into account the totality of the facts and circumstances in this matter, and consistent with Department precedent, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Jeff S. Adler  
Assistant Deputy Commissioner Trials

**APPROVED**



OCT 26 2020  
DERMOT SHEA  
POLICE COMMISSIONER





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM  
DETECTIVE SAMUEL LALLAVE  
TAX REGISTRY NO. 894731  
DISCIPLINARY CASE NO. 2020-22738

Respondent was appointed to the Department on July 11, 1988. On his last three annual performance evaluations, he received 4.5 overall ratings of “Extremely Competent/Highly Competent” in 2016, 2017 and 2018. He has been awarded four medals for Excellent Police Duty and one medal for Meritorious Police Duty.

[REDACTED]

In 2003, Respondent forfeited 10 vacation days for failing to properly safeguard a prisoner. On September 30, 2020, Respondent was suspended in connection with the instant matter.

For your consideration.

Jeff S. Adler  
Assistant Deputy Commissioner Trials